

Remarks

Claims 13-18 were rejected as unpatentable over LEE 5,537,470 in view of LATTER et al. 6,332,021. Reconsideration and withdrawal of the rejection are respectfully requested.

The Official Action acknowledges that LEE does not disclose that if the call identifier of the calling party is not matched to one of the call identifiers in the database, a voice message is provided to the calling party urging the calling party to provide a further call identifier, the further call identifier is compared to the call identifiers in the database, and if the further call identifier matches one of the call identifiers in the database, attempting to connect the calling party to a specific one of the agents in the telephonic service provider facility with whom the calling party has been associated in the database. The Official Action relies on LATTER et al. for the suggestion to modify LEE to include this feature.

Initially, it is not believed that the Official Action makes a *prima facie* case. The Official Action indicates that the motivation to combine the references is to make the "call connection between parties appropriately." This motivation is so general that it offers no insight into why one of skill in the art would turn to LATTER et al. and be motivated to combine it with LEE. What is meant by "appropriately" and how does an appropriate call connection (whatever that might be) relate to

combining LATTER et al. with LEE? The CAFC has made clear the requirement to provide "some logical reason apparent from positive, concrete evidence of record which justifies a combination of primary and secondary references." (*In re Laskowski*, 10 U.S.P.Q.2d 1397, CAFC 1989.) The Official Action does not provide a logical reason apparent from positive, concrete evidence of record to support the combination and thus does not make a *prima facie* case under §103.

Further, even if the references were combined, the combination does not suggest the above-noted feature. LATTER et al. discloses a system in which a calling party is asked to provide an audible caller identification if the calling party cannot be identified by an automatic caller ID feature. The audible caller identification, if provided by the calling party, is relayed to the called party who then decides whether to take the call (Figure 2). One feature of the invention is that a calling party that cannot be identified by an automatic caller ID feature can override the request for audible caller identification by providing a PIN. The PIN is checked against a database and the call is immediately connected if a match is found.

Please note that the system does not ask for the PIN (column 6, lines 14-66) and at no time does the system send a message saying that a PIN can be entered to override the request

for audible caller identification (the "message" in steps 610/620 of Figure 6 is the message asking for the audible caller identification that is not checked against the database). Further, please note if the entered PIN does not match, the calling party is asked to speak his/her name (column 6, lines 53-56), not to enter another PIN. That is, the system of LATTER et al. sends a voice message that asks for audible caller identification, but never compares the audible response to caller identifications in a database, and never asks for a PIN that is compared to a database.

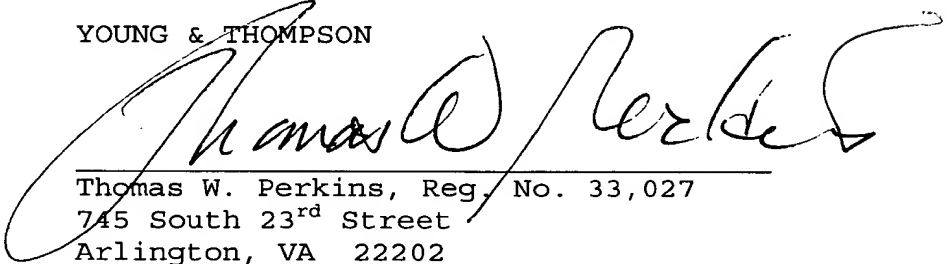
Thus, LATTER et al. do not disclose a system in which a voice message is provided to the calling party urging the calling party to provide a further call identifier, where the further call identifier is compared to the call identifiers in the database. If one of skill in the art were to combine LATTER et al. with LEE, the combination would lack this feature and the feature would not be obvious from the combination.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A large, stylized handwritten signature in black ink, appearing to read "Thomas W. Perkins", is written over the printed name and address.

Thomas W. Perkins, Reg. No. 33,027
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

TWP/lrs